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6 Attorneys for Plaintiff  
7 UNIVERSITY OF PITTSBURGH

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNIVERSITY OF PITTSBURGH OF  
THE COMMONWEALTH SYSTEM OF  
HIGHER EDUCATION d/b/a  
UNIVERSITY OF PITTSBURGH,  
a Pennsylvania non-profit corporation  
(educational),

Case No. CV-08-2973-MMC

**RETURN OF SUMMONS AND PROOF OF  
SERVICE OF SUMMONS, COMPLAINT  
AND RELATED DOCUMENTS**

Plaintiff,

v.

VARIAN MEDICAL SYSTEMS, INC.,  
a Delaware corporation,

Defendant.

AO 440 (Rev. 03/08) Civil Summons

## UNITED STATES DISTRICT COURT

for the

Northern District of California

University of Pittsburgh of the Commonwealth System of Higher Education d/b/a University of Pittsburgh

Plaintiff

v.

Varian Medical Systems, Inc.

Defendant

Civil Action No.

CV 08

2973

BZ

## Summons in a Civil Action

To: Varian Medical Systems, Inc. c/o CSC Lawyers Incorporating Sr. 2730 Gateway Oaks Dr Ste 100 Sacramento, CA 95833  
(Defendant's name)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Daniel Johnson, Jr., Esq.  
 Morgan, Lewis & Bockius LLP  
 One Market, Spear Street Tower  
 San Francisco, CA 94105-1126

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Richard W. Wiering

Name of clerk of court

Deputy clerk's signature

Date: JUN 16 2008

MARY ANN BUCKLEY

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

|   |               |  |           |                               |
|---|---------------|--|-----------|-------------------------------|
| Attorney or Party without Attorney:<br>DANIEL JOHNSON, JR., ESQ.<br>MORGAN LEWIS & BOCKIUS LLP<br>1 MARKET, SPEAR STREET TOWER<br>25TH FLOOR<br>SAN FRANCISCO, CA 94105<br>Telephone No: 415-442-1000 |               | For Court Use Only                         |           |                               |
| FAX No: 415-442-1001  |               | Ref. No. or File No.:<br>70381-053184-0006 |           |                               |
| Attorney for Plaintiff  |               |  |           |                               |
| Insert name of Court, and Judicial District and Branch Court:<br>United States District Court Northern District Of California   |               |  |           |                               |
| Plaintiff: University Of Pittsburgh Of The Commonwealth System Of Higher Education, Ect.  |               |  |           |                               |
| Defendant: VARIAN MEDICAL SYSTEMS, INC.   |               |  |           |                               |
| <b>PROOF OF SERVICE<br/>SUMMONS IN A CIVIL</b>  | Hearing Date: | Time:                                      | Dept/Div: | Case Number:<br>CV 08 2973 BZ |

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the Summons In A Civil Action; Complaint For Patent Infringement; Civil Cover Sheet; Plaintiff's Disclosure Statement Pursuant To Fed. R. Civ. P. 7.1; Plaintiff's Certification Of Interested Entities Or Persons Pursuant To Civil L.R. 3-16; Welcome To The U.S. District Court; Drop Box Filing Procedures; Ecf Registration Information Handout; Order Setting Initial Case Management Conference And Adr Deadlines; Standing Orders; Contents Of Joint Case Management Statement; Notice Of Assignment Of Case To A United States Magistrate Judge For Trial; Consent To Proceed Before A United States Magistrate Judge; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States District Judge; Consenting To A Magistrate Judge's Jurisdiction Packet; Letter Dated June 18, 2008.

3. a. Party served: VARIAN MEDICAL SYSTEMS, INC.  
b. Person served: MATTHEW POPPE, ATTORNEY OF RECORD BY SERVING HIS ASSISTANT, BECKY SEES, AUTHORIZED TO ACCEPT

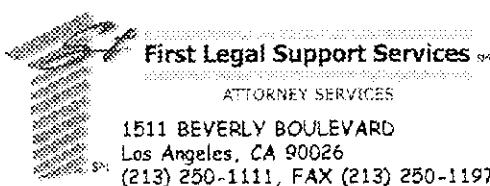
4. Address where the party was served: ORRICK HERRINGTON & SUTCLIFFE LLP  
1000 MARSH ROAD  
MENLO PARK, CA 94025

5. I served the party:  
a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Wed., Jun. 18, 2008 (2) at: 3:23PM

7. Person Who Served Papers:  
a. EDGAR MENDEZ

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was:  
e. I am: Not a Registered California Process Server



8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Thu, Jun. 26, 2008